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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RICHARD KADREY, et al.,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

CASE NO. 3:23-cv-03417-VC

**DECLARATION OF HOLDEN BENON IN
SUPPORT OF PLAINTIFFS' REPLY TO
DEFENDANT META PLATFORMS, INC.'S
OPPOSITION TO MOTION TO AMEND
CASE MANAGEMENT SCHEDULE**

I, Holden Benon, declare as follows:

1. I am an attorney duly licensed to practice in the State of California. I am an attorney with the Joseph Saveri Law Firm and counsel for Plaintiffs in the above-captioned action. I have personal knowledge of the matters stated herein and, if called upon, I can competently testify thereto. I make this declaration pursuant to 28 U.S.C. § 1746 and Local Rule 6-3 in support of Plaintiffs' Reply to Defendant Meta Platforms, Inc.'s Opposition to Motion to Amend Case Management Schedule.

2. On August 29, 2024, I attended a meet-and-confer videoconference with counsel for Meta Platforms, Inc. in connection with the above-referenced action. Also in attendance for Plaintiffs were Aaron Cera, Rya Fishman, Matthew Butterick, Alex Sweatman, Mohammed Rathur, and James Ulwick. The purpose of the meet-and-confer was to discuss certain deficiencies identified in correspondence that I sent to Meta on behalf of Plaintiffs on August 22 and August 23.

3. The first topic of discussion during the August 29 meet-and-confer conference was the scope of training data that Meta had produced thus far in the case, and identifying the categories of training data that Meta had not produced yet. Specifically, I started the discussion by asking Meta's counsel when we can expect to receive copies of all the training data for Llama 2 and 3.

4. Counsel for Meta asked Plaintiffs to explain the relevance of training data that would include works not protected by U.S. copyright law and stated he was struggling to understand why Plaintiffs would need every training data set used by Meta.

5. In response, I explained that Plaintiffs' priority is Meta's production of training data containing copyrighted literary works and works related thereto. In the interest of finding a mutually acceptable compromise, I also stated that training data that derives from social media websites such as Reddit was not Plaintiffs' priority. I asked counsel to describe the universe of training data that was being withheld so that Plaintiffs could have an informed understanding, and so that the parties could further discuss Plaintiffs' requests and the timing of additional productions of training data by Meta. Meta's counsel was not prepared on the call to describe the universe of

training data being withheld, so we moved on to other items on the agenda.

6. At no point during the August 29 meet-and-confer or otherwise did I indicate or suggest that Plaintiffs did not want, or that Meta did not need to produce, Llama 3 data beyond the “Libgen” dataset.

7. Attached to this Declaration as Exhibit A are true and correct copies of excerpts from documents Meta produced bearing the Bates range Meta_Kadrey_00065244-65314.00012, the Bates range Meta_Kadrey_00088043-88186, and the Bates number Meta_Kadrey_00088770.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the 3rd day of October 2024 in San Francisco, California.

By: /s/ Holden Benon
Holden Benon